

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-4, 6 and 9-21 are in the case.

I. THE ANTICIPATION REJECTION

Claims 1-4, 6 and 9-18 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Yager et al. That rejection is respectfully traversed.

The invention as claimed is directed to a system for determination of at least one physicochemical property of a compound. The system comprises

(i) a microfabricated device having an internal surface defining a first conduit for flowing a first fluid therethrough, compound being present in the first fluid, and a second conduit for flowing a second fluid therethrough;

(ii) wherein one or more restricted openings are present between the first and second conduits to allow contact between the first and second fluids at the one or more restricted openings via a partition interface formed between the first fluid and the second fluid, the partition interface being formed by contact between non-miscible phases; and

(iii) a detector for measuring the amount of compound present within the first fluid or the second fluid or both; wherein presence of compound in either the first fluid or the second fluid or both is measured to determine the physicochemical property due to the partitioning of the compound through the partition interface.

The anticipation rejection is respectfully traversed. In particular, it is believed that the Examiner has not given proper weight to the arguments made in the prior response

of 30 July, 2003. In particular, claims 1 and 4 require that the partition interface is formed by contact between non-miscible phases. Yager does not disclose or even suggest that non-miscible-phases might be contemplated. Instead, Yager is concerned with diffusion processes between miscible phases, in particular between two aqueous phases (see, for example, column 8, lines 49 to 53 and example 2). In contrast, the present invention is concerned with partitioning phenomena associated with the partitioning of a compound through a partition interface formed between non-miscible phases.

Furthermore, the Examiner appears to equate the constrictions apparently shown in Figure 3 of Yager with the restricted openings defined in claim 1 of the present invention. It is believed that the constrictions apparently shown in Yager do not correspond to restricted openings within the meaning of present claim 1, since the constrictions do not meet the definition of restricted openings provided in present claim 1, namely that the "restricted openings are present between the first and second conduits to allow contact between the first and second fluids at the one or more restricted openings".

In light of the above, it is clear that Yager does not anticipate the invention as now claimed. Reconsideration and withdrawal of the outstanding anticipation rejection are accordingly respectfully requested.

II. ALLOWABLE SUBJECT MATTER

It is noted, with appreciation, that claims 19-21 are free of the prior art. Based on the comments presented above and the amendments presented herein, it is believed

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that all of the claims in this application are now in allowable condition. Early notice to that effect is respectfully requested.

III. CLAIM AMENDMENTS

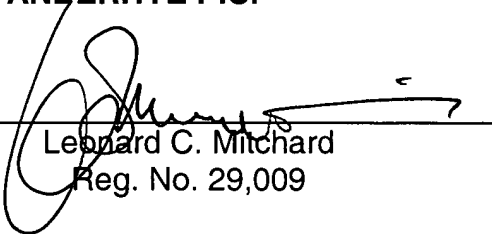
Claims 1, 4, 10, 11, 12 and 15 have been amended to deal with minor formal matters. No new matter is entered. Claims 5, 7 and 8 have been cancelled without prejudice to the possibility of pursuing that subject matter in a separate continuing application.

Allowance of the application is awaited.

Respectfully submitted,

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